IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

LA. App. No. 1924 of 2002

LAR. 311/1999 of SUB COURT, KOZHIKODE
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APPELLANT/RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

RESPONDENT/CLAIMANT:

K.A. BHASKARAN,
"SREE HARI MOTORS", KARUTHEDATH HOUSE,
P.O. MALAPARAMBA, KOZHIKODE-9.

BY ADV. SRI. JESWIN P.VARGHESE

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ.

L.A.A. NO. 1924 OF 2002

Dated this the 23rd day of July, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 311 of 1999 on the file of Sub Court, Kozhikode. Acquisition is for the purpose of Calicut bye-pass.

2. It is submitted that the connected matter L.A.A. No. 351/2003 filed against L.A.R. No. 310/1999 has been disposed of by this Court remitting the matter to the Reference Court. Being part of a common judgment, for parity of reasons, we set aside the judgment and decree and remit the matter to the Reference Court for fresh consideration as directed by this Court in the judgment referred to above. It will be open to the parties to adduce fresh evidence. Since the case is arising from the common judgment, it shall be tried along with connected cases.

KURIAN JOSEPH
JUDGE

T.R. RAMACHANDRAN NAIR
JUDGE

smp